Government of Saskatchewan

The Criminal Injuries Compensation Act of Saskatchewan Fiscal Year End Report

APRIL 1, 1986 to March 31, 1987

Administered by the Criminal Injuries Compensation Board for the Department of Justice

LETTER OF TRANSMITTAL

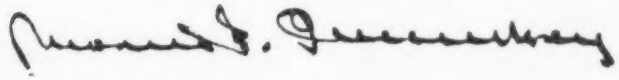
July 31, 1987

The Honourable B. Andrew
Attorney General for Saskatchewan
Department of Justice
Legislative Building
REGINA, Saskatchewan
S4S OB3

Honourable Sir:

I have the honour to submit the Criminal Injuries Compensation Board's Fiscal Year End Report which covers the period of April 1, 1986 to March 31, 1987.

Respectfully yours,



Morris Cherneskey, Q.C., Chairman

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PROGRAM DESCRIPTION

LEGISLATION

The legislation under which the Board functions is The Criminal Injuries Compensation Act, Chapter 47 which came into force on September 1, 1967. The Criminal Injuries Compensation Regulations came into effect on April 8, 1984.

AMOUNT OF COMPENSATION

The maximum amount of compensation that may be awarded by the Board in respect to any one case before it is $7,500.00. Any award that exceeds $7,500.00 must have prior approval of the Lieutenant Governor in Council. The minimum payment of an award is not to be less than $50.00.

TIME LIMITATION FOR COMPENSATION

Section 12 of the Act prescribes a one-year time limitation period for filing an application for compensation, but the Board may extend the time if adequate justification is provided.

DEDUCTABLE AMOUNTS

Any amount received or to be received by the victim is deducted up to the total amount that is awarded as compensation. Therefore if the amount received or recovered from the offender or other sources exceeds that which the Board would recommend, nothing would be paid as compensation.

COMPENSABLE CATEGORIES

Compensation may be awarded by the Board in respect to the following matters:

(a) Expenses actually and reasonably incurred as a result of the victim's injury or death and any other expenses that, in the opinion of the the Board it is reasonable to incur;

(b) Pecuniary loss to the victim resulting from the total or partial incapacity of the victim to work;

(c) Pecuniary loss to dependents as the result of the victim's death;

(d) Other pecuniary loss resulting from the victim's injury;

(e) Pain and suffering of the victim.

As a result no compensation is paid for property damage other than for such things as eyeglasses, dentures, hearing aids and other prosthesis.

SCHEDULE TO THE ACT

The list of offences included in the Schedule to the Act is as follows:

SECTION OF THE CRIMINAL CODE	OFFENCE
66	Taking part in a riot.
78	Breach of duty to take reasonable care of explosives.
79	Intentionally cause injury with explosives.
146(1)	Sexual intercourse with a female under 14.
146(2)	Sexual intercourse with a female under 14 or more and under 16 years of age.
150	Incest.
153	Sexual intercourse with stepdaughter, foster daughter, female ward or employee if accused is more to blame.
157	Acts of gross indecency.
176	Common nuisance causing bodily harm.
200	Abandoning a child.
202	Criminal negligence.
203	Criminal negligence causing death.
204	Criminal negligence causing bodily harm.
212, 218	Murder.
217, 219	Manslaughter.
222	Attempted murder.
228	Causing bodily harm with intent.
229	Administrating noxious things.
230	Overcoming resistance to commission of offence.

231	Setting traps.
232	Interfering with transportation facilities.
233	Criminal negligence in the operation of a motor vehicle - dangerous driving.
234	Impaired driving.
236	Drive while blood/alcohol over .08.
240(1),(4)	Dangerous operation of a vessel.
241	Impeding an attempt to save a life.
244, 245	Assault.
245.1	Assault with a weapon or causing bodily harm.
245.2	Aggravated assault.
245.3	Unlawfully cause bodily harm.
246	Assaulting a peace officer.
246.1	Sexual assault.
246.2	Sexual assault with a weapon or causing bodily harm.
246.3	Aggravated sexual assault.
247	Kidnapping and unlawful confinement.
251(1)	Procuring a miscarriage.
302, 303	Robbery.
381(1)(a)	Intimidation by violence or threats.
387(2)	Mischief causing actual danger to life.
389	Arson.
392	Causing fire resulting in loss of life.
393	False fire alarm.

The Board is required by the Act to find the commission of a crime of the applications coming before it. A basic qualification for the consideration of an award is that there must be adequate and reliable evidence in this regard.

REDUCED OR DENIED CLAIMS

The Board may recommend that a claim be reduced or denied compensation due to the victim's culpability or by not cooperating with the law enforcement authorities pursuant to the following Sections:

11. The Board in making an order under Section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order, and without limiting the generality of the foregoing, the Board shall consider and take into account:

(a) any behaviour that directly or indirectly contributed to the injury or death of the victim;

(b) the financial need of the person who was injured or of the dependents of the victim.

12. (1) The Board shall not make an order for compensation under Section 10:

(a) where the application for compensation is made after the expiration of one year from the date of the injury or death, as the case may be;

(b) where the injury or death, as the case may be, and the act or omission or the event resulting in the injury or death are not reported within a reasonable time after the happening thereof to the proper law enforcement authority.

HEARINGS

The three members of the Board, who participate on a part-time basis, usually sit on a weekly schedule. Hearings take place in Saskatoon, Regina and Prince Albert. Some applications which are relatively minor and simple to adjudicate are dealt with documentary evidence alone with the consent of the applicant. This minimizes the need to inconvenience the applicant and/or solicitor and witnesses insofar as travelling to the hearings, the applicant's loss of work time and expenses involved.

FUNDING

Awards made under the Criminal Injuries Compensation Act are cost shared between the Federal Government and the Government of Saskatchewan. The contribution by the Federal Government amounts to 50% of the Awards or a maximum of 10 cents per capita of the population of Saskatchewan, whichever is the lesser. The Federal Government does not share administrative costs.

COMPENSATION OF AWARDS

The Act provides that the Board has exclusive jurisdiction to determine whether any person is entitled to compensation as well as the amount of the award. Compensation may be awarded in the form of a lump sum payment and/or periodic award.

The majority of the awards are in the form of a lump sum payment, with these awards on the average being approximately $2,121.00.

	1986-87	1985-86	1984-85
Lump Sum Awards	138	116	93
Periodic Awards	12	8	8

PUBLIC AWARENESS

Efforts continue in an attempt to increase public awareness of the Act. The Board continues to make the public more aware of the compensation that may be available to the victims of crime. Thousands of pamphlets have been distributed to hospitals, doctors, dentists, police officers, victim assistance agencies, sexual assault and crisis centres, ambulance drivers, band councils and rural municipalities. A selection of Board orders are provided to many news agencies for publication.

Several wallet-sized cards (below) were forwarded to the law enforcement authorities for distribution to victims of violent crimes advising them how to apply to the Board for compensation.*

Saskatchewan Criminal Injuries Compensation Board

Injured innocent victims of violent crimes may be eligible for compensation from the above Board. Reporting to, and co-operating with, the Police, is an important consideration. If you feel you may qualify, contact the Board immediately at (306) 933-5153 or write to 122 - 3rd Avenue North, Saskatoon, Saskatchewan S7K 2H6.

Who may be eligible for Compensation?

a) The innocent victim.
b) The person who has been supporting the victim.
c) Dependents of the victim.
d) If the victim dies, any person who incurs expenses on behalf of the victim or his estate.

Please note that lost, stolen, or damaged possessions such as cash, jewelery, or vehicles are not allowable expenses.

***These copies are similar to the cards distributed by the Ontario Criminal Injuries Compensation Board.**

RECOVERIES

A total of $2,711.00 was recovered from the offenders pursuant to Section 31 of the Act which states:

> "Where the Board makes an award of compensation under this Act and the person injured or any dependent of the person killed by the act or omission in respect of which the compensation is awarded does not pursue a cause of action against the offender, the Attorney General may, in order to recover all or part of the compensation awarded, bring and maintain any action against the offender that could have been brought by the person injured or by the dependents of the person killed."

STATISTICAL SUMMARIES

	1986-87	1985-86	1984-85
Applications received	221	139	176
Applications denied	27	36	52
Decisions completed and awards granted (includes second hearings and re-applications)	150	124	101
Interim Awards	4	0	4
Reduced Awards	12	5	15
Supplementary Awards	16	14	16
Lump sum payments	138	116	93
Periodic Awards (does not include ongoing payments on claims adjudicated in previous years).	12	8	8

TOTAL AMOUNTS PAID OUT

Lump sum payments	$290,631.21	$256,605.56	$297,921.24
Periodic payments	42,631.39	35,895.65	59,074.40
TOTAL	$346,333.08	$292,501.21	$356,995.64
Average Award (does not include periodic payments)	$2,184.91	$2,212.12	$3,203.45

CONSOLIDATED SUMMARY OF AWARDS

	1986-87		1985-86		1984-85	
Medical expenses	$ 10,414.69	(3.01%)	$ 7,868.31	(2.69%)	$ 12,021.39	(3.37%)
Earnings	39,339.48	(11.36)	44,112.29	(15.08)	125,132.96	(35.04)
Pecuniary Loss	40,499.80	(11.69)	28,232.29	(9.65)	25,611.00	(7.17)
Pain and Suffering	222,723.50	(64.30)	178,280.00	(60.95)	170,860.00	(47.87)
Funeral Expenses	3,927.32	(1.13)	10,592.22	(3.62)	1,439.70	(.40)
Other	18,721.92	(5.41)	12,873.03	(4.40)	13,733.85	(3.86)
Counsel Fees	10,649.68	(3.08)	10,528.07	(3.60)	8,015.69	(2.25)
Witness and Medical Reports	56.69	(.02)	15.00	(.01)	141.05	(.04)
TOTAL	$346,333.08	100.00%	$292,501.21	100.00%	$356,955.64	100.00%

APPLICATIONS RECEIVED

	1986-87	1985-86	1984-85
Personal Injury Claims Received	211	134	96
Death Benefit Claims Received	10	5	5
Total applications received	221	139	101
Number of offenders charged according to orders where compensation was granted	116 (77.85%)	90 (72.58%)	79 (78.22%)

APPLICATIONS BY AREA

Alberta	1
British Columbia	2
Carlyle	2
Churchbridge	1
Creelman	1
Cumberland House	1
Cutknife	1
Dorintosh	1
Gravelbourg	1
Grenfell	1
Hudson Bay	2
Kamsack	2
Kindersley	2
La Loche	1
La Ronge	1
Langham	1
Lloydminster	1
Mayfair	1
Melfort	1
Moose Jaw	3
Naicaim	2
Norquay	2
North Battleford	8
Onion Lake	3
Ontario	6
Perigord	1
Pilot Butte	1
Prelate	1
Prince Albert	9
Quill Lake	1
Regina	61
Saskatoon	81
Shell Lake	1
Sintaluta	1
South End	1
Star City	1
Swift Current	1
Turtleford	1
Unity	1
Waterhen	1
Weyburn	4
Whitewood	2
Yorkton	2
Yukon	2
TOTAL APPLICATIONS	221

CRIMES INVOLVED ON AWARDS GRANTED

CRIME	CRIMINAL CODE	1986-87	1985-86	1984-85
Assault	245	86 (57.05%)	83 (66.94%)	64 (63.37%)
Sexual Assault	246.1	20 (13.42)	0	8 (7.92)
Robbery with violence	303	10 (6.71)	2 (1.61)	7 (6.93)
Attempted murder	222	9 (6.04)	7 (5.65)	4 (3.96)
Murder	218	5 (3.36)	8 (6.45)	4 (3.96)
Robbery	302	5 (3.36)	3 (2.42)	3 (2.97)
Manslaughter	219	5 (3.36)	1 (.81)	1 (.99)
Bodily harm with intent	228	2 (1.34)	2 (1.61)	4 (3.96)
Kidnapping	247	2 (1.34)	0	0
Attempting to arrest a criminal (Criminal Injuries Compensation Act)	10(1)(b)	2 (1.34)	0	0
Dangerous driving	233	1 (.67)	0	0
Assault a peace officer	246	1 (.67)	14 (11.29)	1 (.99)
Blood alcohol over .08	236	1 (.67)	0	0
Cause bodily harm by criminal negligence	204	1 (.67)	0	0
Impaired driving	234	0	1 (.81)	1 (.99)
Acts of gross indecency	157	0	3 (2.41)	2 (1.98)
Intimidation by threats	381	0	0	1 (.99)
Sexual intercourse with a female	146	0	0	1 (.99)
TOTALS		150 (100%)	124 (100%)	101 (100%)

AGES OF VICTIMS (BASED ON AWARDS GRANTED)

AGE	1986-87	1985-86	1984-85
1 - 10	7 (4.70%)	4 (3.22%)	1 (.99%)
11 - 20	21 (14.09)	29 (23.39)	16 (15.84)
21 - 30	62 (41.61)	46 (37.10)	36 (35.65)
31 - 40	30 (19.46)	23 (18.55)	20 (19.80)
41 - 50	16 (10.74)	11 (8.87)	11 (10.89)
51 - 60	8 (5.37)	5 (4.03)	11 (10.89)
61 - 70	5 (3.36)	2 (1.61)	1 (.99)
71 - 80	1 (.67)	3 (2.42)	4 (3.96)
80 over	0	1 (.81)	1 (.99)
TOTALS	150 (100%)	124 (100%)	101 (100%)
Oldest Victim	78	90	90
Youngest Victim	2	4	6
Male Victims	104 (69.13%)	85 (68.55%)	66 (65.35%)
Female Victims	46 (30.87)	39 (31.45)	35 (34.65)

EXAMPLES OF DECISIONS MADE ON CLAIMS

Illustration No. 1 Award No. 1592/87

At the time of the incident, the applicant was 26 years old and resided in Saskatoon, Saskatchewan.

On October 25, 1985 at approximately 8:30 p.m., the applicant was abducted off a street in Saskatoon by five males, driven into an alley and assaulted. She was repeatedly threatened by the males with a knife and a gun. It was apparent that her assailants mistook her for a prostitute whom they thought was soliciting in their territory.

The applicant was taken to the hospital, where it was determined that she suffered from the following injuries:

-fractured upper right incisor
-bruises to the left occiput area
-bruises to her left upper arm
-bruise to her right upper abdomen
-½ inch laceration to neck
-hematoma to skull, with loss of hair.

The applicant's wounds were treated conservatively and she was given analgesics to help alleviate the pain. The applicant suffered emotional trauma and nightmares as the result of this incident. It should also be mentioned that the applicant was 6 months pregnant at the time of the incident.

This incident was promptly reported to the proper law enforcement authorities, but because the applicant could not identify her assailants, no charges have been laid.

This application is for pain and suffering, emotional trauma, net income loss and miscellaneous expenses incurred. The applicant received benefits from the Department of Social Services.

Should the applicant require dental work to repair her damaged tooth as a direct result of this incident, then the Board would consider the same upon application.

The Board finds that the applicant was a victim of a crime within the meaning of the Act, namely assault, contrary to Section 245 of the Criminal Code of Canada and therefore makes the following Award:

TO THE APPLICANT:

For pain and suffering and emotional trauma, the sum of $2,400.00 to be paid in 12 monthly instalments of $200.00 each commencing March 1987.	$2,400.00
For medication	3.95
For travelling expenses	10.00
For net income loss	36.40
For miscellaneous expenses	50.00
For babysitting	5.00
For dental fees	10.00
TOTAL AWARD	$2,515.35

Illustration No. 2 Award No. 1594/87

At the time of the incident the applicant was 26 years old and resided in North Battleford, Saskatchewan.

On September 21, 1986 at approximately 2:00 a.m., the applicant was leaving a licensed beverage room when an unidentified assailant hit the applicant on the head with a beer bottle. This assault was apparently unprovoked.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

-loss of consciousness
-bruised and swollen left eye
-laceration to the left cheek area.

The applicant was hospitalized overnight for observation. The applicant recovered from the injuries without any complications, but complains of numbness to the left side of his face.

This incident was promptly reported to the law enforcement authorities but because the offender could not be identified, no charges have been laid.

This application is for pain and suffering, net income loss and miscellaneous expenses incurred. The applicant received benefits from the Unemployment Insurance Commission.

The Board finds that the applicant was a victim of a crime within the meaning of the Act, namely assault, contrary to Section 245 of the Criminal Code of Canada, and therefore makes the following Award:

TO THE APPLICANT:

For pain and suffering	$ 900.00
For net income loss (less benefits received)	277.20
TOTAL AWARD	$1,177.20

Illustration No.3 Award No. 1572/87

This application is made with respect to the death of the applicant's son, "G.K." age 30 years, who was shot to death in Naicam, Saskatchewan on March 30, 1985.

"R. R." was convicted of murder, contrary to Section 218 of the Criminal Code of Canada and was sentenced to 5 years incarceration.

This application is limited to funeral and related expenses as the applicant did not have any surviving dependents. The estate received $1,785.96 from the Canada Pension Plan.

The Board finds that the deceased was a victim of a crime within the meaning of the Act, and therefore makes the following Award:

TO THE APPLICANT:

For funeral and related expenses less benefits received	$ 928.99
For grave opening and closing	250.00
For coroner's fee	10.00
Contribution towards monument	500.00
For flowers	162.50
For church service	50.00
For telephone expenses	45.88
For travelling expenses to attend the hearing	76.80
	$2,024.17

TO THE SOLICITOR:

For disbursements	$ 31.53
Contribution towards counsel fees	300.00
	$ 331.53
TOTAL AWARD	$2,355.70

Illustration No. 4 Award No. 1526/87

This Award is supplementary to Award No. 1445/86 in which the applicant received a total of $7,370.72 for pain and suffering and miscellaneous expenses incurred as the result of a shooting incident near Carrot River, Saskatchewan on November 16, 1985.

The applicant continues to suffer from dysphasia and hemianopia and is unable to be gainfully employed in his occupation in the lumber mills. However, with the use of hired help he is able to maintain his farm.

Three young offenders were charged with attempted murder, robbery with violence, possession of a weapon and use of a firearm in the commission of an indictable offence, contrary to Sections 222, 303, 85 and 83 of the Criminal Code of Canada. These matters are presently before the courts.

This application is for pain and suffering, net lost income and miscellaneous expenses incurred. The applicant is presently receiving disability benefits from the Canada Pension Plan in the amount of $598.53 per month.

The Board recommends compensation to the applicant for lost earned income for the period of November 16, 1985 to November 16, 1986 in the amount of $8,190.00. The Board will review this application for further consideration when further particulars become available.

The Board finds that the applicant was a victim of a crime within the meaning of the Act, and makes the following Award:

TO THE APPLICANT:

For earned wage loss, less benefits received	$8,190.00
For travelling and related expenses to attend the hearing	207.13
For ambulance service	74.00
TOTAL AWARD	$8,471.13

EXAMPLES OF AWARDS

1560/87 The applicant a 45 year old female was working after hours in the kitchen of a restaurant when she was struck on the back of her head by an assailant and lost consciousness. When the applicant regained consciousness, the restaurant was on fire and she managed to crawl out onto the street. The applicant suffered a mild concussion, smoke inhalation, bruises and contusions to her right forehead, skull, left brow, both arms, left hand and chest. She also suffered swelling to the left hand with a minor restriction of flexion and extension of the wrist. A tensor bandage and splint was applied to her hand and she took physiotherapy treatments. She suffered from a post-traumatic syndrome which consisted of amnesia and anxiety attacks. The offender was not apprehended. **(pain and suffering and emotional trauma $2,000.00) Award $5,323.25**

1561/86 The applicant a 31 year old peace officer was attempting to stop a female prisoner from escaping from the police vehicle, when she bit him on the left arm. He suffered a 2½ cm. superficial abrasion with underlying ecchymosis to the left arm and was given a tetanus shot. The wound became infected and the applicant was prescribed antibiotics. The applicant is left with a residual scar. **(pain and suffering $600.00) Award $603.95**

1574/87 The applicant a 22 year old female was sexually assaulted by five males. The applicant suffered emotional trauma and anxiety, superficial ecchymosis to the right side of her neck, hematomas to the upper back and right upper arm, contusions to the right forearm, ecchymosis and lesions to both breasts. The offenders were charged with sexual assault causing bodily harm. **(pain and suffering and emotional trauma $3,500.00) Award $3,537.50**

1579/87 The applicant a 26 year old male was beaten by two people with a tire iron in an alley beside a licensed beverage room. He suffered a loss of consciousness, abrasion over the right jaw, temporary diplopia on an upward gaze, severe bruising to the face, lacerations to the left wrist and scalp, fractured right zygoma, possible blowout fracture of the right orbital floor, and damaged teeth. The applicant underwent surgery to correct the fractured zygoma and required root canal therapy to correct the damaged teeth. The applicant is left with a slight depression of the cheekbone, infraorbital nerve numbness to the right cheek and occasional blurred vision. **(pain and suffering $2,250.00) Award $2,593.13**

1583/87 The applicant a 19 year old female was visiting a male acquaintance when he drugged her beer. While the applicant was unconscious, she was sexually assaulted by this man. When she awoke the next morning he told her that several men broke into his residence and assaulted her. The male attempted to extort money from the applicant by telling her that he had several nude pictures of her. She suffered emotional trauma, numerous bruises to her neck and breasts and her pubic region was closely shaven. The offender was convicted of sexual assault and other charges. **(pain and suffering and emotional trauma $3,000.00)**

1586/87 The applicant a 21 year old male passed a male in a hotel lobby who was emotionally upset over some news he had recently received. When the applicant offered words of comfort to the male, he was assaulted by this man and suffered an undisplaced fracture of the 8th right rib. The offender was charged with assault causing bodily harm. **(pain and suffering $950.00) Award $1,312.83**

1543/86 The applicant, a 36 year old police officer, was transporting a prisoner to the police station, when the prisoner kicked the driver of the vehicle, causing the driver to lose control of the car. When the driver slammed on the brakes, the applicant who was trying to subdue the prisoner in the back seat, suffered a whiplash injury to his neck. The applicant undertook physiotherapy treatments and his neck was placed in traction. The applicant suffered numbness to his shoulders and increased headaches. The offender was charged with assaulting a peace officer. **(pain and suffering $1,200.00) Award $1,200.00**

1544/86 The applicant, a 34 year old man was leaving a hotel with a case of beer when a male stabbed him and took off with the beer. The applicant suffered a stab wound to the abdomen which perforated the gall bladder and lacerated the liver, mesocolon and mesentery. The applicant required a cholecystectomy and was hospitalized for 9 days. The applicant also sustained abrasions to his right temple and left leg and multiple bruises to his left chest and flank. The offender was not apprehended. **(pain and suffering $2,000.00) Award $2,092.00**

1545/86 The applicant a 21 year old male was assaulted by several people outside a dance hall. He suffered a basal skull fracture, fractured left ulna, bilateral fracture of the mandible, damaged teeth, multiple bruises and abrasions to his back and swelling to his left eye area. The fractured ulna was repaired and placed in a cast for one month. The fractured mandible required open reduction with internal fixation. The wires were removed approximately 6 weeks later. Three male offenders were convicted of assault with a weapon. **(pain and suffering $3,000.00) Award $3,836.00**

1546/86 The applicant a 39 year old male was leaving a hotel with a female acquaintance when he was shot twice by the female's estranged boyfriend. The applicant suffered a bullet wound to the left chest with a bullet fragment lodged in the right chest and two lacerations to his forehead. The applicant developed an intrapulmonary hematoma and a right pneumothorax. He was hospitalized for three days and recovered without any complications. The offender was charged with attempted murder. **(pain and suffering $1,300.00) Award $1,375.00**

1553/87 The applicant a 23 year old male was leaving a licensed beverage room when he was stabbed by a male. He suffered a stab wound to the abdomen with protrusion of the small bowel and a hematoma near the left kidney. A laparotomy was performed and the applicant developed a pelvic abscess and required drainage of the abscess. The applicant was hospitalized for approximately 2 weeks and recovered from the injuries in approximately three months. The offender was convicted of aggravated assault. **(pain and suffering $2,500.00) Award $5,464.00**

1554/86 The applicant a 70 year old female was waiting on a street when a man grabbed her purse. During the struggle the applicant was pushed to the ground and suffered a dislocated humerus, bruised knees, swollen elbow, minor abrasions to the inside of her mouth, and a bruise to her right shoulder. The shoulder was immobilized in a sling for 4 weeks. The applicant also suffered emotional trauma. The offender was convicted of robbery with violence. **(pain and suffering $1,750.00) Award $1,907.49**

1514/86 The applicant a 27 year old male, was stabbed several times by an unknown person while walking to a friend's house. The applicant suffered shock, multiple abrasions and minor lacerations to the forehead, stab wound to the left costal margin and 7th rib area, lacerations to his wrist and fingers and a 4 cm. laceration to his right elbow. The offender was not apprehended. **(pain and suffering $1,750.00) Award $2,490.67**

1516/86 The applicant a 25 year old male was robbed a knife point,beaten and stabbed by two males. He suffered ecchymosis to the frontal area and left cheek, 4.5 cm. laceration to the left parietal area of the skull, minor lacerations to his hands and fingers, abrasions to both knees, tenderness to the left wrist, dizziness and post traumatic neurosis. The assailants were charged with robbery with violence. **(pain and suffering $1,200.00) Award $1,345.00**

1521/86 The applicant a 29 year old male was attacked in his home by a man wielding a baseball bat. The applicant suffered an undisplaced fracture of the left distal radius, lacerations to the left shin, head and scalp. The offender was convicted of assault with a weapon. **(pain and suffering $1,600.00) Award $3,576.95**

1522/86 The applicant a 31 year old female, was sexually assaulted severely beaten and held captive by her common-law husband. She suffered fractured ribs with a perforation of the left lung, severe bruising to the face, wrists, chest, buttocks, hip and lower legs, damaged teeth, and a post-traumatic liver abscess. The applicant was hospitalized for 5 weeks and required chiropractic treatments due to the discomfort in her sacro-iliac joints. The offender was convicted of aggravated assault and unlawful confinement. **(pain and suffering and emotional trauma $6,000.00) Award $6,262.75**

1529/86 The applicant a 21 year old female was working as a security officer and was escorting truck drivers who were delivering produce to a warehouse where the employees were on strike. The vehicle was held captive by the strikers and "pam" was sprayed into the air vents causing an injury to the applicant. She suffered dizzy spells, a dry raspy cough, pain in her chest and chemical laryngotracheobronchitis. The applicant commenced speech therapy and regained approximately 40% of the timbre of her voice. **(pain and suffering and emotional trauma $3,000.00) Award $4,072.00**

1539/86 The applicant a 35 year old male awoke and heard his girlfriend screaming. He found that she was being raped by a male and tried to stop the offender. In the process the applicant was struck on the head with a shovel. The applicant suffered a 9 cm. laceration to his forehead, depressed fracture of the tip of the nasal bone, headaches and dizziness. The offender was convicted of sexual assault and assault with a weapon. **(pain and sufferinig $1,250.00) Award $1,286.50**

1542/86 The applicant a 24 years old male ambulance driver was dispatched to pick up a patient. When he arrived at the residence he was attacked by the patient. The applicant suffered a depressed fracture of the left zygoma and bruises. The offender was convicted of assault causing bodily harm. **(pain and suffering $1,550.00) Award $2,221.82**

1477/86 The applicant a 26 year old female, was sexually assaulted by her ex-husband and suffered bruises to her right shoulder and left arm. The applicant also suffered from anxiety and trauma. The offender was convicted of sexual assault. **(pain and suffering and emotional trauma $2,750.00) Award $3,067.50**

1480/86 The applicant, a 30 year old male, was stabbed in a licensed beverage room. He suffered a three cm. laceration to the anterior abdominal wall. The offender was convicted of aggravated assault. **(pain and suffering $900.00) Award $1,209.70**

1481/86 The applicant, a 2 year old female, was sexually molested by her grandfather. She suffered behavioural problems, nightmares and emotional withdrawal. The offender was charged with sexual assault. **(pain and suffering and emotional trauma $2,000.00) Award $2,500.00**

1493/86 The applicant, a 45 year old male, was approached by two men who asked him for money so they could purchase cigarettes. When the applicant reached into his pocket to get the money, he was assaulted by them. The applicant suffered severe facial bruising, black eyes, nosebleed and damaged teeth. The offenders were not apprehended. **(pain and suffering $1,050.00) Award $2,183.31**

1494/86 The applicant a 19 year old female, was sexually assaulted and beaten in her home by an unknown male. The applicant suffered extensive bruising to her right upper arm, left breast, left forearm, back and both knees. The applicant also suffered from emotional trauma. The offender was not apprehended. **(pain and suffering and emotional trauma $3,000.00) Award $3,530.50**

1497/86 The applicant a 23 year old male, was sexually assaulted by a male in his rooming house. The offender threatened the applicant and extorted money from him. The applicant suffered from extreme fear and anxiety. His speech was affected by a stuttering-like pattern and he had problems concentrating. The offender was not apprehended. **(pain and suffering and emotional trauma $2,500.00) Award $3,421.34**

1500/86 The applicant, a 20 year old male, made an application for death benefits with respect to the death of his brother who was murdered in 1978. The deceased's body was not found until 1985. The offenders were convicted of manslaughter. **Award $1,514.36**

1503/86 The applicant, a 7 year old male, was abducted by a man in Moose Jaw and was rescued by police in Ontario the next day. The applicant suffered nightmares and emotional trauma. The offender was charged with kidnapping. **(pain and suffering and emotional trauma $2,750.00) Award $3,750.00**

1508/86 The applicant, a female, from the age of 3 years, was the victim of sexual assault by her grandfather over a period of several years. The applicant attempted suicide and suffered from reactive depression. The offender was charged with sexual assault. **(pain and suffering and emotional trauma $5,000.00) Award $5,000.00**

1512/86 The applicant, a 26 year old female returned to her apartment and found a man in her bedroom. When she tried to escape, she was cut with a piece of glass. She suffered a 2.5 cm. laceration to her left cheek. The applicant may require revisional surgery to correct the facial scar. **(pain and suffering $1,250.00) Award $1,250.00**

1451/86 The applicant, a 25 year old female was sexually assaulted and held hostage by an inmate at the Saskatchewan Penitentiary. The applicant suffered severe emotional trauma and anxiety. The offender was convicted of sexual assault. **(pain and suffering $5,000.00) Award $5,780.30**

1459/86 The applicants, mother and son, were 33 and 11 years old respectively, when two masked men broke into their residence. The applicants were threatened with a gun and were bound and gagged by the robbers. The applicants suffered emotional trauma and anxiety. One of the offenders was convicted of armed robbery and the other offender was not apprehended. **(pain and suffering and emotional trauma total $4,000.00.)**

1460/87 The applicant, an 18 year old female was assaulted outside a licensed beverage room by a male acquaintance. She suffered bruises, loss of hair, abrasions to both shins, and tenderness to the clavicle area. The applicant underwent physiotherapy treatments. The offender was charged with assault. **(pain and suffering $1,050.00) Award $1,095.00**

1462/87 The applicant a 20 year old male, was visiting a female acquaintance when he was shot by her estranged boyfriend. The applicant suffered gunshot wounds to his left forearm and stomach. The applicant also suffered avulsed bone fragments to his left ulna. The offender was charged with attempted murder. **(pain and suffering $2,250.00) Award $3,316.23**

1465/87 The applicant, a 24 year old male, was drinking in a beverage room when a fight broke out between two men. A beer glass was thrown at one of the men but struck the applicant. The applicant suffered a loss of consciousness, fractured nose and lacerations to his upper eyelid. The offender was not identified. **(pain and suffering $1,650.00) Award $2,908.49**

1466/87 The applicant, a 15 year old male was attacked by three youths wielding a baseball bat in an alley. The applicant suffered a scalp hematoma, bruising to the left cheek and a cerebral edema. The hematoma was surgically removed and a screw was inserted into his skull to monitor the intracranial pressure. The applicant was hospitalized for 1 week and recovered from the injuries without any complications. Three young offenders were charged with aggravated assault. **(pain and suffering $2,750.00) Award $2,852.00**

1471/86 The applicant a 67 year old female was walking on a street when she was attacked by four youths, knocked to the ground, kicked and robbed of her purse. She suffered a fractured hip. The offenders were charged with robbery with violence. **(pain and suffering $1,300.00) Award $1,646.00**

1476/86 The applicant, a 47 year old male was working in a hotel, when he was attacked and beaten by a male patron. The applicant suffered a loss of consciousness, blurred vision, bruising to the face and chest, loss of balance, laceration above the left eye, headaches, and re-injured a previous back condition. The applicant was required to wear a back brace and take physiotherapy treatments. The offender was convicted of aggravated assault. **(pain and suffering $2,250.00) Award $2,303.49**

EXAMPLES OF PERIODIC AWARDS

1491/86 This award is supplementary to previous awards in which the applicant received a total of $69,863.58 for pecuniary loss and miscellaneous expenses incurred as the result of the death of her husband who was shot to death on December 18, 1979. This award was for pecuniary loss for each of the three surviving children which were awarded $1,250.00 each to be placed in trust with the Public Trustee until they reach the age of majority. The Board also recommended the sum of $6,619.80 to be paid in monthly installments of $551.65 for the period of 1 year. The applicant may re-apply at the end of this period in light of her circumstances at that time.

1492/86 This award is supplementary to previous awards in which the victim received a total of $70,441.14 for pain and suffering, net income loss and miscellaneous expenses incurred as the direct result of a shooting incident near Wynyard on June 23, 1969. The Board recommended the sum of $8,400.00 to be paid in monthly installments for 1 year in the amount of $ 700.00. The applicant may re-apply at the end of this period in light of his circumstances at that time.

1517/86 The applicant a 31 year old female was severely beaten by her male companion on a highway in Saskatchewan. The offender struck the applicant on the head with several beer bottles until they broke. A motorist driving on the highway rescued the applicant and took her to the hospital. She suffered shock due to blood loss, black and swollen eyes, lacerations to scalp, forehead, eyebrows, eyelids and nasal area. She was hospitalized for 5 days and is left with residual scars. She complains of headaches and dizzy spells. The offender was convicted of aggravated assault. The applicant was receiving benefits from the Department of Social Services. The Board recommended pain and suffering and emotional trauma in the amount of $1,650.00 to be paid in 10 monthly installments of $165.00 each and other expenses in the amount of $346.25.

1520/86 This award is supplementary to previous awards in which the applicant received a total of $10,401.78 for funeral and pecuniary loss with respect to the death of his daughter who was murdered on December 2, 1982 by her husband. The deceased left a surviving child who is now in the legal custody of the applicant. The Board recommended the sum of $1,500.00 for pecuniary loss with respect to care and maintenance of the child to be paid in 12 monthly installments of $125.00. The applicant may re-apply at the end of this period in light of his circumstances at that time.

1551/86 This award is supplementary to previous awards in which the applicants received a total of $39,281.54 for funeral and maintenance expenses incurred as the result of the deaths of their brother and sister-in-law who were shot to death on January 1, 1982. The deceaseds left three surviving children that are presently being cared for by the applicants. The Board recommended a total of $6,480.00 to be paid to the applicants for pecuniary loss and maintenance of the children in the amount of $180.00 per month for each child. The applicants may re-apply to the Board at the end of this period for further consideration.

EXAMPLES OF DISALLOWED CLAIMS

Illustration No. 1 Award No. 1458/86

This application is made by "E.S." on behalf of her two infant children, ages 6 and 4, who are the surviving children of "M.S.", who was shot to death on April 24, 1984 in Melfort, Saskatchewan.

The circumstances surrounding the death of "M.S." are as follows:

On or about April 28, 1984 the applicant and his common-law wife, "D.L." had argued and the deceased left the residence. "D.L." became frightened and went to the suite in the basement with her child, in which the accused "H.T." resided. The deceased returned to the residence and read a note that indicated that "D.L." was in the downstairs suite and that "H.T." had a gun and would not hesitate to use it if he came looking for her. The deceased, in a rage broke down the locked door to the suite and was shot by "H.T."

"H.T." was charged with second degree murder, contrary to Section 219 of the Criminal Code of Canada, but was acquitted by a jury as it was determined that he shot the deceased in self-defense.

This application is for pecuniary loss on behalf of his surviving children. The applicant was receiving $150.00 maintenance per month from the deceased for the children. As the result of the death of the deceased the applicant receives approximately $181.00 per month in Survivor's Benefits from Canada Pension. Each child also received $767.00 from the deceased's estate.

After carefully reviewing all of the relevant information before it, the Board determines that the deceased was not a victim of a criminal offence within the meaning of the Act. The deceased initiated, caused and created the circumstances that eventually resulted in his death.

This application is therefore denied.

Illustration No. 2 Award No. 1468/86

At the time of the incident, the applicant was 20 years old and resided in Saskatoon, Saskatchewan.

On January 1, 1986 at approximately 12:15 a.m., the applicant was leaving a licensed beverage room, when she was attacked by an unknown female. This assault was apparently unprovoked.

The applicant was not seen by a physician, but stated that she suffered from the following injuries:

-loss of hair, approximately 2-3 inches in diameter
-sore neck
-headaches.

The applicant recovered from the injuries without any complications.

This incident was not reported to the proper law enforcement authorities until April 7, 1986. Due to the delay in reporting this incident, and the fact that the applicant could not identify her assailant, a full investigation into this matter could not be carried out.

This application is for pain and suffering and miscellaneous expenses incurred.

The Board recommends denial of this matter pursuant to Section 12(1)(b) of the Act which states:

The Board shall not make an order for compensation under Section 10:

(b) where the injury or death, as the case may be, and the act or omission or the event resulting in the injury or death are not reported within a reasonable time after the happening thereof to the proper law enforcement authority.

This application is therefore denied.

Illustration No. 3 Award No. 1469/86

At the time of the incident the applicant was 27 years old and resided in Rosthern, Saskatchewan.

On the evening of June 1, 1984 the applicant was drinking in a licensed beverage room in Duck Lake, Saskatchewan. The applicant was extremely intoxicated and apparently became involved in several altercations throughout the evening and then was assaulted.

The applicant was taken to the Rosthern Hospital the next morning and then transferred to the University Hospital in Saskatoon, where it was determined that he suffered from the following injuries:

-left corneal scleral laceration with prolapse of the iris
-small abrasion and laceration to the facial area
-tenderness over the right rib area
-swollen left eyelids.

The prolapsed iris was excised and the wound was sutured. The laceration healed but his vision remains poor because of the choroidal rupture at the posterior pole. The applicant was discharged from the hospital on June 8, 1984. As a result of this injury the applicant is almost blind in his left eye although he has some peripheral vision in it.

This incident was reported to the proper law enforcement authorities. A trial was conducted in this regard and the accused was acquitted of the assault charge.

This application is for pain and suffering and miscellaneous expenses incurred.

The Board recommends denial of this application because there is no clear evidence that the applicant was a victim of a crime within the meaning of the Act.

This application is therefore denied.

Illustration No. 4 Award No. 1559/86

At the time of the incident the applicant was 36 years old and resided in Meadow Lake, Saskatchewan.

On January 29, 1985 at approximately 8:30 a.m., the applicant was attacked and beaten by her common-law husband.

The applicant was taken to the Meadow Lake Union Hospital and then transferred to the University Hospital in Saskatoon, where it was determined that she suffered from the following injuries:

-multiple bruises to head and neck area
-laceration to medial canthal ligament of the left eye
-laceration to the tear duct sac of the left eye
-swelling to forehead and left cheek area.

The lacerations were cleansed and sutured and the applicant was discharged from the hospital on February 3, 1985.

"F.K." was convicted of assault causing bodily harm, contrary to Section 245.2 (1)(b) of the Criminal Code of Canada, and was sentenced to one year in gaol.

The applicant also states that on June 27, 1986 while she was living in Debden, Saskatchewan, she was again assaulted by "F.K." The offender allegedly struck the applicant with an empty 26 oz. whiskey bottle causing the applicant to fall to the floor. The accused then allegedly kicked her several times in the head and shoulder areas.

The applicant was admitted to the Shellbrook Hospital on June 29, 1986 where it was determined that she suffered from the following injuries:

-bruising and swelling to the left temporal area and left side of the face
-possible concussion
-headaches and dizziness.

The applicant was given ice packs to help reduce the swelling and given analgesics to help alleviate the pain. She was discharged from the hospital on July 4, 1986. The applicant recovered from the injuries without any complications but still suffers from occasional headaches.

"F.K. was again charged with assault causing bodily harm, but was not convicted on this matter. The applicant failed to appear in court as a witness after being served with a subpoena and was subsequently charged with Contempt of Court.

This application is for pain and suffering and miscellaneous expenses incurred. The applicant received benefits from the Department of Social Services.

After careful consideration the Board finds that the applicant is entitled to compensation with respect to the injury sustained on January 29, 1985. The Board further determines that the applicant is not entitled to compensation with respect to the injuries received on or about June 27, 1986 because of her willing assumption of the risks and because of her failure to co-operate with the law enforcement authorities. The Board therefore makes the following Award:

TO THE APPLICANT:

For pain and suffering and emotional trauma, the sum of $1,000.00 to be paid in monthly installments of $100.00 per month, commencing February 1987 for a total of 10 months.	$1,000.00
For medication	89.37
	$1,089.37

TO THE SOLICITOR:

For disbursements	$ 2.72
Contribution towards counsel fees	250.00
	$ 252.72
TOTAL AWARD	$1,342.09

EXAMPLES OF REDUCED AWARDS

1483/86 The applicant a 45 year old male was drinking extensively throughout the evening in Moose Jaw. When he was leaving a licensed beverage room he was attacked by two males in a parking lot and robbed of his wallet. This award was reduced by 15% due to the applicant's advanced state of intoxication at the time of the incident.

1523/86 The applicant a 27 year old male was at a friend's house in North Battleford when the applicant's friend's estranged boyfriend drove up and demanded to speak to her. She refused to talk to the male and walked into the house. When the male started to drive away, the applicant ran beside the vehicle demanding that the male get out and fight. Once at the intersection, the male pulled a gun and shot the applicant on the left side of his abdomen. This Award was reduced by 50% pursuant to Section 11(a) of the Act because the applicant provoked the incident that led up to his injuries.

1575/87 The applicant a 43 year old male stopped his vehicle behind a car on a street and honked his horn at the driver ahead of him to move. The driver approached the car and an argument erupted and a scuffle took place. The driver allegedly assaulted the applicant. The offender was charged with assault but was found not guilty. The Board recommended that the amount for pain and suffering be reduced by 50% pursuant to Section 11(a) of the Act.

SUMMARY OF DENIALS

1467/86 The applicant a 45 year old male was attempting to park his vehicle in a parking lot when a male in another vehicle blocked the applicant's van so he could not move. The man then rammed twice into the applicant's van causing extensive damage to the vehicle. The applicant did not suffer any physical injuries as the result of the incident. The applicant received insurance benefits for the repair costs to his vehicle. The Board concluded that the applicant did not suffer any compensable injuries as contemplated by the Act.

1468/86 The applicant a 20 year old female was leaving a licensed beverage room when she was attacked by an unknown female. She did not report this incident to the police for three months and therefore a full investigation into this matter could not be carried out. Application denied pursuant to Section 12(1)(b) of the Act.

1469/86 The applicant a 27 year old male was extremely intoxicated in a licensed beverage room and apparently became involved in several altercations throughout the evening and was then assaulted. The accused was charged with assault, but was acquitted of this charge. The Board recommended denial of this application because there was no clear evidence that the applicant was a victim of a crime within the meaning of the Act.

1470/86 The applicant a 62 year old male stated that he was leaving a lady's residence when he was knocked down from behind by a male, assaulted and robbed of his wristwatch. The police were called and noted that the applicant was extremely intoxicated and refused to identify the lady or give her address. The physician who treated the applicant indicated that his injuries were more consistent with a fall than with an assault. The Board denied this application because there was insufficient evidence to establish whether the applicant was a victim of a crime within the meaning of the Act.

1475/86 The applicant an 18 year old female was standing in front of a hotel when a car drove up and the occupants therein shot the applicant in the right buttock. A police investigation revealed that the shooting arose as the result of a territorial war between two groups who were apparently trying to take over prostitution in the city and the applicant was a participant in one of these groups. This application was denied because the applicant was a participant in the prostitution trade and assumed the risk of harm to herself by participating in this role.

1488/86 The applicant a 23 year old male re-applied to the Board for further compensation as the result of a gunshot wound to his back. The applicant underwent further surgery but this was for an injury that pre-dated the incident. The Board denied this application because the surgery was for a previous back condition, not due to the gunshot wound he sustained in the incident.

1502/86 The applicant a 34 year old male was drinking extensively in a bar when an argument erupted between himelf and another male. The manager of the bar told both men to leave if they were going to fight. The applicant's friend tried to persuade him not to go outside, but he refused to listen and followed the male. Once outside the male kicked the applicant in the face, knocking the applicant unconscious. The Board denied this application because the applicant's behaviour contributed to the injury by agreeing to go outside and fight with the offender.

1510/86 The applicant, a 22 year old male stated that he was walking down a street with a male acquaintance when they were confronted by six unknown persons. The applicant's friend became involved in an argument with one male from the group and a fight ensued. The applicant was slashed several times with a knife. The applicant did not report this incident to the police until three months after the incident and could not identify the offenders. The applicant was very intoxicated at the time of the incident and gave the medical authorities a false name, age and hospitalization number. The Board denied this application pursuant to Section 12(1)(b) of the Act.

1513/86 This application was made with respect to the death of the applicant's daughter who was killed in a vehicle accident. The request was for funeral and related expenses. The applicant received benefits from insurance companies in excess of $8,905.41 and also commenced a civil action against the offender. The Board denied this application because the amount the applicant received from other sources exceeded the amount that the Board would have recommended.

1519/86 The applicant a 27 year old male was assaulted by unknown persons in a hotel. The applicant suffered a fractured maxilla and left zygoma. The applicant removed the elastic bands and cut the wires on the top brace. The applicant was later seen in the hospital requesting removal of the existing wires because he had been involved in another fight. As the result of the applicant's negligence in following the medical treatment, the fractures did not heal properly and he required several extractions of his teeth and insertion of a partial denture. Due to the applicant's intoxicated condition at the time of the incident, he was unable to recall the details of the assault. The police were unable to obtain any information from the applicant in the hospital and therefore no report was filed. The applicant supplied the police authorities with a statement 10 months after the incident. The Board denied this application pursuant to Section 12(1)(b) and 11(a).

1534/86 The applicant a 25 year old male was allegedly stabbed by his sister while attending a party at her residence. The accused was found not guilty at the trial because the applicant indicated that he could not remember the details of the incident when it came time to testify, because he did not want his sister to go to jail. The Board recommended denial of this application because there was no evidence that would support the commission of a criminal offence within the meaning of the Act.

1566/87 The applicant a 24 year old male was leaving a licensed beverage room when several men in a vehicle started yelling at him. The applicant apparently tried to reach through the driver's window into the back seat to grab one of the males. During the struggle the applicant was stabbed in the arm. The applicant and the assailant had also scuffled and argued in the beverage room before leaving. The Board denied this application pursuant to Section 11(a) of the Act.

1577/87 The applicant a 25 year old female was severely beaten by her common-law husband in 1984 and again in 1986. Investigation into this matter revealed that the applicant was assaulted by the accused in another incident in 1982. The Board denied this application pursuant to Section 11(a) of the Act because the applicant was aware of the offender's violent tendancies and in spite of same she continued to cohabit with him.

1587/87 The applicant a 29 year old male was involved in a scuffle in a beverage room. When the applicant and his friends were leaving the premises, the applicant stated that he was attacked in the parking lot. The circumstances surrounding the incident were difficult to determine at the trial because there were several versions given of the incident by numerous witnesses. The applicant was initially charged with possession of a firearm in relation to this incident, but this charge and the assault charge laid against the accused were stayed in court as it appeared both parties were equally to blame for the incident. The Board denied this application pursuant to Section 11(a) of the Act.

1589/87 The applicant a 29 year old male stated that he was assaulted and stabbed at a house party. The applicant was very intoxicated at the time of the incident and refused to co-operate with the law enforcement authorities. The Board denied this application pursuant to Section 11(a) of the Act and because there was insufficient evidence to establish that the applicant was a victim of a crime within the meaning of the Act.

1599/87 The applicant a 36 year old male stated that he arrived at an apartment complex and was met by two males who pulled a knife and stabbed him. The applicant outran his assailants and stopped a taxi who drove him home and then he was taken to the hospital by his common-law wife. In the hospital the police had to be called due to the applicant's hostile manner as the applicant was apparently under the influence of alcohol or drugs. He refused to divulge to the police what had occurred. The applicant contacted the police almost one year after the incident and supplied them with a written statement of the incident. The Board denied this application pursuant to Sections 11(a) and 12(1)(b) of the Act.